

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EARL T. ALLEN,

Plaintiff,

V.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration.

Defendant.

CASE NO. 14-cv-05374 RBL JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration pursuant to sentence four of 42 U.S.C. § 405(g) (ECF No. 18).

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner.

Based on the stipulation of the parties, this Court recommends that the above-captioned case be reversed and remanded, pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings, including the following actions:

- The ALJ shall conduct a new hearing, develop further the record and issue a new decision;
- The ALJ shall reevaluate and develop further the medical evidence or record;
- The ALJ shall reevaluate steps two and three of the sequential evaluation process;
- The ALJ shall reevaluate plaintiff's RFC pursuant to SSR 96-8p, and;
- The ALJ shall reevaluate steps four and five of the sequential evaluation process with the assistance of a vocational expert, as necessary.
- Following proper presentation, this Court will consider plaintiff's application for costs and attorney's fees pursuant to 28 U.S.C. § 2412(d).

Given the facts and the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order that the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 26th day of November, 2014.

J. Richard Creature
J. Richard Creature
United States Magistrate Judge